

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Laura Fashing,
United States Magistrate Judge**

CLERK'S MINUTES

CASE TITLE: *Adler Medical, LLC et al v. Harrington* **DATE:** Wednesday, February 22, 2023

CASE No: 1:22-cv-00072-KG-LF **COURTROOM**
CLERK: CDA

PROCEEDINGS COMMENCED: 2:30 p.m. **COURT IN RECESS:** 3:08 p.m.

TYPE OF PROCEEDING: *Discovery Conference*

ATTORNEY(S) PRESENT FOR PLAINTIFF(S):

Jeffrey Squires

ATTORNEY(S) PRESENT FOR DEFENDANT(S):

Daniel DeSouza

The following issues were discussed:

- I. The Court set the status conference to discuss how the case(s) move forward in the wake of Mr. Harrington's passing.
- II. Mr. DeSouza does not officially represent Mr. Harrington at the moment because of his death. Mr. DeSouza explains the circumstances of Mr. Harrington's death. The Court expresses her condolences.
- III. Mr. DeSouza anticipates moving to substitute Mr. Harrington's wife, Maureen Harrington, in as personal representative of Mr. Harrington's estate.
- IV. Mr. DeSouza agrees that the motion to disqualify would apply across all related cases. It makes sense to dispose of the motion in this case first, but it will apply to the other related cases as well. Mr. DeSouza previously had suggested that all of the cases be stayed until the motion to disqualify is decided. Mr. Squires now is amenable to staying all of the cases pending a decision on disqualification and suggests that the parties stipulate that that decision would be applicable to all related cases. The Court agrees that there should be something on the record in the other cases that says that the parties agree that the cases should be stayed pending a decision on the motion to disqualify. Mr. DeSouza explains that he cannot stipulate to anything until he has a client in place. The Court suggests that once a substitution is made, the parties should file something in the other cases that stays those cases until the motion for disqualification is decided in this case, assuming that the parties can agree to that.

V. The Court will enter an order staying this case pending a decision on the motion to disqualify counsel, except any motion for substitution, and will vacate the deadline for filing pretrial motions. Once the motion to disqualify is decided, the pretrial motions deadline will be reset.

VI. Mr. DeSouza asks about the timing regarding a decision on the motion to disqualify. The Court explains the process.